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10/667,094	09/19/2003	Risvan Coskun	555255012568	1644

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EXAMINER

CAI, WAYNE HUU

ART UNIT PAPER NUMBER

2681

DATE MAILED: 06/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/667,094

Applicant(s)

COSKUN ET AL.

Examiner

Wayne Cai

Art Unit

2681

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☒ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09/19/2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-3 are rejected under 35 U.S.C. 102(e) as being anticipated by Lonnfors et al (hereinafter Lonnfors) (US 2004/0015569 A1).

**Regarding claim 1**, Lonnfors discloses a method of transmitting instant messages to a mobile communication device via a wireless data communication network, comprising the steps of:

- detecting presence information for a plurality of instant message sources at an instant messaging server that couples the instant message sources to the wireless data communication network (paragraphs 0030-0031);
- detecting presence information of the mobile communication device at the instant messaging server (paragraph 0032);
- comparing the presence information of the mobile communication device with the presence information of the instant message sources and

enabling at least one of the instant message sources to transmit an instant message to the mobile communication device (paragraph 0033).

**Regarding claim 2**, Lonnfors discloses the method of claim 1 as described above. Lonnfors further discloses wherein the plurality of instant message sources (element 104) includes mobile communication devices that are enabled to transmit instant messages directly to the mobile communication device (element 108) via the wireless data communication network (paragraph 0033; fig. 1 and its descriptions).

**Regarding claim 3**, Lonnfors discloses the method of claim 1 as described above. Lonnfors also discloses wherein the presence information of the instant message sources includes information regarding services provided by the instant message sources (paragraphs 0030-0031).

3. Claims 20, and 34 are rejected under 35 U.S.C. 102(e) as being anticipated by Magee et al (hereinafter Magee) (US 2004/0198379 A1).

**Regarding claim 20**, Magee discloses a wireless instant messaging apparatus comprising a presence information server coupled to a wireless network for communicating with a plurality of wireless devices operating on the wireless network, the presence information server comprising:

- a device presence detector module for detecting the presence of at least one detected wireless device (fig. 1, element 60 and its descriptions);
- a presence storage module (element 70) connected to the device presence detector module for storing presence information

corresponding to the at least one detected wireless device, the presence information including extended state information (paragraphs 0014-0016);

- a device presence communication module connected to the presence storage module for transmitting the presence information to at least one interested device (element 70), wherein the extended state information enables an enhanced instant message to be transmitted between the at least one detected wireless device and the at least one interested device (paragraphs 0014-0016).

The Examiner notes that it is interpreted a presence storage module and a device presence communication module might be integrated together as one device. Also, the extended state information is hereby disclosed as the geographic location of the mobile station 10.

**Regarding claim 34,** Magee discloses a mobile communication device for use with an instant messaging system comprising an instant messaging server and a plurality of instant messaging hosts, wherein the instant messaging server detects presence information associated with the instant messaging hosts, the presence information including information regarding instant messaging services provided by the instant messaging hosts, the mobile communication device comprising:

- a transmitter for providing presence information of the mobile communication device to the instant messaging server, wherein the presence information of the mobile communication device includes

- extended state information associated with the plurality of instant messaging services (fig. 1, elements 50, 60 & 70; and its descriptions);
- a receiver for receiving an instant message from one of the instant messaging services based upon a comparison of the extended state information of the mobile communication device with the presence information of the instant messaging hosts (element 10).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 4-12, 14-15, 24-27, 29-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lonnfors in view of Magee.

**Regarding claim 4**, Lonnfors discloses the method of claim 1 as described above, except for disclosing wherein the presence information of the mobile communication device includes location information, the method further comprising the step of: enhancing the instant message transmitted from the at least one instant message source to the mobile communication device based upon the location information.

In a similar endeavor, Magee discloses a method for authorizing location services. Magee further discloses wherein the presence information of the mobile communication device includes location information, the method further comprising the step of: enhancing the instant message transmitted from the at least one instant message source to the mobile communication device based upon the location information (paragraph 0014).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include transmitting from the at least one instant message source to the mobile communication device based upon the location information because users might only request desired and/or interest information at a particular geographic area; hence, only information related to that location is transmitted.

**Regarding claims 5, and 6,** Lonnfors and Magee disclose the method of claim 4 as described above. Magee also discloses wherein the instant message is enhanced by altering the content and format of the instant message based upon the location information of the mobile communication device (paragraph 0021).

**Regarding claim 7,** Lonnfors and Magee disclose the method of claim 4 as described above. Magee also discloses wherein the location information is provided by the wireless data communication network (paragraph 0014, and element 60).

**Regarding claim 9,** Lonnfors and Magee disclose the method of claim 7 as described above. Magee also discloses the location information is provided by the mobile communication device (element 60).

**Regarding claims 8, and 10**, both Lonnfors and Magee disclose the method of claims 7 and 9 as described above, except for the wireless data communication provides the location information using triangulation techniques is well known in the art since triangulation technique is one of the techniques being used in the wireless network to locate the mobile communication device, or the mobile communication device includes a GPS receiver that tracks the geographic location of the mobile communication device, and wherein data from the GPS receiver is provided to the instant messaging server. It is however well known in the art to use either triangulation techniques or GPS system to locate a device.

**Regarding claim 11**, Lonnfors discloses the method of claim 1 as described above, except for teaching wherein the presence information of the mobile communication device includes an activity state that describes a current activity of the user of the mobile communication device, and wherein the comparing step further comprises the step of matching the activity state of the mobile communication device with a service provided by the plurality of instant messaging sources and selecting one or more of the instant messaging sources to transmit an instant message to the mobile communication device based on the matching step.

In a similar endeavor, Magee discloses a method for authorizing location services. Magee also discloses wherein the presence information of the mobile communication device includes an activity state that describes a current activity of the user of the mobile communication device, and wherein the comparing step further comprises the step of matching the activity state of the mobile communication device



with a service provided by the plurality of instant messaging sources and selecting one or more of the instant messaging sources to transmit an instant message to the mobile communication device based on the matching step (paragraphs 0013-0019).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a current activity state so that only information related is transmitted.

**Regarding claim 12**, Lonnfors and Magee disclose the method of claim 11 as described above. Magee also discloses wherein the activity state is selected from the group consisting of a shopping state, a looking state or a visiting state (paragraph 0014).

**Regarding claim 14**, Lonnfors discloses the method of claim 1 as described above, except for the presence information of the mobile communication device includes information indicating whether the mobile communication device is interested in receiving instant messages from the plurality of instant messaging sources.

In a similar endeavor, Magee discloses a method for authorizing location services. Magee also discloses wherein the presence information of the mobile communication device includes information indicating whether the mobile communication device is interested in receiving instant messages from the plurality of instant messaging sources (paragraph 0019).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include an indication whether the mobile communication device is interested in receiving instant messages from the plurality of instant messaging

sources so that the information could be transmitted as desired, and more convenient to user as requested.

**Regarding claim 15**, Lonnfors discloses the method of claim 1 as described above, except for the presence information of the mobile communication device includes a contact proximity state for at least one other mobile communication device, the method further comprising the steps of: detecting the location of both mobile communication devices; and based upon the contact proximity state for the at least one other mobile communication device, transmitting an instant message to the at least one other mobile communication device indicating that it is within a certain proximity to the mobile communication device.

In a similar endeavor, Magee discloses a method for authorizing location services. Magee also discloses the presence information of the mobile communication device includes a contact proximity state for at least one other mobile communication device, the method further comprising the steps of:

- detecting the location of both mobile communication devices (paragraph 0015);
- based upon the contact proximity state for the at least one other mobile communication device, transmitting an instant message to the at least one other mobile communication device indicating that it is within a certain proximity to the mobile communication device (paragraph 0014).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to detect the location of the mobile communication devices so that the transmitted information is related to the geographic areas.

**Regarding claim 24**, Lonnfors discloses a method of providing a plurality of instant messaging services to a mobile communication device via a wireless data communication network, comprising the steps of:

- detecting presence information associated with a plurality of instant messaging hosts at an instant messaging server, wherein the presence information of the instant messaging hosts includes information regarding instant messaging services provided by the instant messaging hosts (paragraphs 0030-0031);
- detecting presence information of the mobile communication device at the instant messaging server (paragraph 0032);
- comparing the extended state information of the mobile communication device with the presence information of the instant messaging hosts and selecting at least one instant messaging service to transmit an instant message to the mobile communication device (paragraph 0033).

Lonnfors, however, fails to disclose wherein the presence information of the mobile communication device includes extended state information associated with the plurality of instant messaging services

In a similar endeavor, Magee discloses a method for authorizing location services. Magee further discloses wherein the presence information of the mobile

communication device includes extended state information associated with the plurality of instant messaging services (fig. 2, boxes 116 & 118).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the extended state information to enhance ability to supply information to users.

**Regarding claim 25**, Lonnfors and Magee both disclose the method of claim 24 as described above. Magee also discloses wherein the extended state information includes location information, the method further comprising the step of: altering the content of the instant message transmitted by the instant messaging service based upon the location information of the mobile communication device (paragraphs 0014-0016, 0021).

**Regarding claim 26**, Lonnfors and Magee both disclose the method of claim 24 as described above. Magee further discloses wherein the extended state information includes an activity state that describes a current activity of the user of the mobile communication device, and wherein the comparing step further comprises the step of matching the activity state of the mobile communication device with a service provided by the plurality of instant messaging hosts and selecting one or more of the instant messaging services to transmit an instant message to the mobile communication device based on the matching step (paragraph 0014).

**Regarding claim 27**, Lonnfors and Magee disclose the method of claim 26 as described above. Magee also discloses wherein the activity state is selected from the

group consisting of a shopping state, a looking state or a visiting state (paragraph 0014).

**Regarding claim 29**, Lonnfors and Magee disclose the method of claim 24 as described above. Magee also discloses wherein the presence information of the mobile communication device includes information indicating whether the mobile communication device is interested in receiving instant messages from the plurality of instant messaging services (paragraph 0019).

**Regarding claim 30**, Lonnfors and Magee disclose the method of claim 24 as described above. Magee also discloses wherein the extended state information includes a contact proximity state for at least one other mobile communication device, the method further comprising the steps of: detecting the location of both mobile communication devices; and based upon the contact proximity state for the at least one other mobile communication device, transmitting an instant message to the at least one other mobile communication device indicating that it is within a certain proximity to the mobile communication device (paragraphs 0014-0015).

6. Claims 16-18, and 31-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lonnfors in view of Uramatsu et al (hereinafter Uramatsu) (US 2003/0095570 A1).

**Regarding claims 16, and 31**, Lonnfors discloses the method of claims 1 and 24 as described above, except for the presence information of the mobile communication

device includes a communication state indicating a bandwidth over which the mobile communication device can receive instant messages.

In a similar endeavor, Uramatsu discloses a communication bandwidth control apparatus and method. Uramatsu also discloses wherein the presence information of the mobile communication device includes a communication state indicating a bandwidth over which the mobile communication device can receive instant messages (fig. 5, boxes S102, S107, S108).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include an indication of a bandwidth to sufficiently transmit the information to the mobile communication device.

**Regarding claim 17, and 32,** Lonnfors and Uramatsu disclose the method of claims 16, and 31 as described above. Uramatsu also discloses a selecting a type of instant message based upon the communication state of the mobile communication device (paragraphs 0008-0010, and 0036-0038).

**Regarding claim 18, and 33,** Lonnfors and Uramatsu disclose the method of claims 17, and 32 as described above. Uramatsu also discloses wherein the type of instant message is a text type message if the communication state indicates a low bandwidth or is a video type message is the communication type indicates a high bandwidth (figs. 3 & 4 and its descriptions).

7. Claims 13, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lonnfors in view of Magee, and in further view of Abramson et al (hereinafter Abramson) (US 2002/0163547 A1).

**Regarding claims 13, and 28**, Lonnfors and Magee disclose the method of claim 12 as described above. Magee further discloses the steps of:

- the mobile communication device declaring a looking state and transmitting presence information including the looking state to the instant messaging server (paragraphs 0014-0015);
- based on the location information, the instant messaging server enabling one or more of the instant messaging sources to transmit an instant message to the mobile communication device (paragraphs 0014-0015)

Lonnfors and Magee, however, fail to disclose:

- transmitting an interactive map to the mobile communication device;
- selecting a location on the interactive map at the mobile communication device and transmitting location information to the instant messaging server.

In a similar endeavor, Abramson discloses an interactive electronically presented map. Abramson also discloses

- transmitting an interactive map to the mobile communication device (paragraph 0005);

- selecting a location on the interactive map at the mobile communication device and transmitting location information to the instant messaging server (paragraph 0053).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include an interactive map so that users could select a particular location and the information related to the location is transmitted.

8. Claims 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Magee in view of Lonnfors.

**Regarding claim 21**, Magee discloses the wireless instant messaging apparatus of claim 20 as described above, except for teaching wherein the instant messaging apparatus is further coupled to a wide area network for communicating with a plurality of hosts operating on the wide area network, each host providing one or more instant messaging services.

In a similar endeavor, Lonnfors discloses a system and method for providing partial presence notifications. Lonnfors further discloses wherein the instant messaging apparatus is further coupled to a wide area network (fig. 1 and its descriptions) for communicating with a plurality of hosts operating on the wide area network, each host providing one or more instant messaging services (paragraphs 0030-0033, and fig. 1, element 104).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a plurality of hosts operating on the wide area network to provide various services to users.



**Regarding claim 22**, both Magee and Lonnfors disclose the wireless instant messaging apparatus of claim 21 as described above. Lonnfors also discloses wherein the presence information server further comprises: a host presence communication module for transmitting the presence information to at least one interested host selected from the plurality of hosts (paragraph 0033; fig. 1 and its descriptions).

**Regarding claim 23**, both Magee and Lonnfors disclose the wireless instant messaging apparatus of claim 21 as described above. Magee also discloses wherein the presence information server further comprises: a host presence detector module for detecting the presence of at least one detected host of the plurality of hosts and connected to the presence storage module for storing the presence information corresponding to the at least one detected host (paragraphs 0009-0014).

9. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lonnfors in view of McDowell et al (hereinafter McDowell) (US 2002/0035605 A1).

**Regarding claim 19**, Lonnfors discloses the method of claim 1 as described above, except for the steps of:

- determining whether the mobile communication device can receive the instant message from the at least one instant messaging source;
- if the mobile communication device can not receive the instant message, then instead of transmitting the instant message to the mobile communication device, transmitting the instant message to an email inbox associated with the mobile communication device.

In a similar endeavor, McDowell discloses a use of presence and location information concerning wireless subscribers for instant messaging and mobile commerce. McDowell also discloses the steps of:

- determining whether the mobile communication device can receive the instant message from the at least one instant messaging source (paragraph 0099);
- if the mobile communication device can not receive the instant message, then instead of transmitting the instant message to the mobile communication device, transmitting the instant message to an email inbox associated with the mobile communication device (paragraph 0099).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to transmit the instant message to an email inbox when the mobile communication device cannot receive the instant message because users would be able to retrieve the instant message in some later time as needed.

### ***Conclusion***

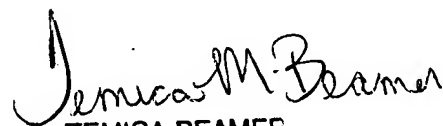
10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wayne Cai whose telephone number is (571) 272-7798. The examiner can normally be reached on Monday-Friday; 9:00-6:00; alternating Friday off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on (571) 272-4090. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Wayne Cai  
Examiner  
Art Unit 2681

  
TEMICA BEAMER  
PRIMARY EXAMINE  
6/24/05